



PATENT  
ATTORNEY DOCKET No.: STEM1170-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Upshall et al. Art Unit: 1635  
Application No.: 09/961,227 Examiner: Brian A. Whiteman  
Filed: September 20, 2001  
Title: METHOD OF TREATMENT OF TUMORS USING  
TRANSFORMING GROWTH FACTOR-ALPHA

Mail Stop Non-Fee Amendment  
P. O. Box 1450  
Commissioner for Patents  
Alexandria, VA 22313-1450

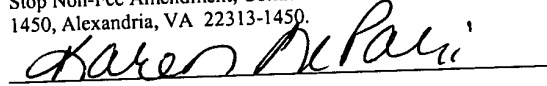
**RESPONSE TO RESTRICTION REQUIREMENT**

Sir:

In response to the Requirement for Restriction dated October 1, 2003, Applicant elects, with traverse, Group III, consisting of Claims 20, 22-24, drawn to an *in vivo* method of treating a cell proliferative disorder in a subject comprising administering a vector comprising a polynucleotide sequence encoding TGF-alpha operably linked to a promoter to the subject, classifiable in class 435, subclass 455.

CERTIFICATION UNDER 37 CFR §1.8

I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on October 31, 2003, in an envelope addressed to: Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
Karen LePari

In re Application of :

Upshall et al.

Application No.: 09/961,227

Filed: September 20, 2001

Page 2

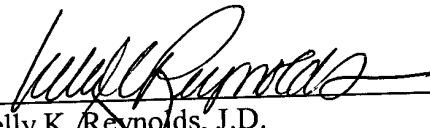
PATENT

Attorney Docket No.: STEM1170-1

If the Examiner would like to discuss any of the issues raised in the Response, Applicants' representative can be reached at (858) 638-6724. Please charge any additional fees, or make any credits, to Deposit Account No. 50-1355.

Respectfully submitted,

Date: October 31, 2003

  
Kelly K. Reynolds, J.D.  
Reg. No. 51,154  
Telephone: (858) 638-6724  
Facsimile: (858) 677-1465

GRAY CARY WARE & FREIDENRICH LLP  
4365 Executive Drive, Suite 1100  
San Diego, California 92121-2133  
**USPTO Customer Number 28213**



1635  
image

PATENT  
ATTORNEY DOCKET No.: STEM1170-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Upshall et al.	Art Unit:	1635
Application No.:	09/961,227	Examiner:	Brian A. Whiteman
Filed:	September 20, 2001		
Title:	METHOD OF TREATMENT OF TUMORS USING TRANSFORMING GROWTH FACTOR-ALPHA		

Mail Stop Non-Fee Amendment  
P. O. Box 1450  
Commissioner for Patents  
Alexandria, VA 22313-1450

**TRANSMITTAL SHEET**

Sir:

Transmitted herewith for the above-identified application please find:

1. Response to the Restriction Requirement mailed October 1, 2003 (2 pages); and
2. Return Receipt Postcard.

CERTIFICATION UNDER 37 CFR §1.8

I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on October 31, 2003, in an envelope addressed to: Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

*Karen LePari*  
Karen LePari

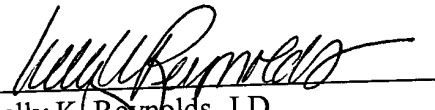
In re Application of :  
Upshall et al.  
Application No.: 09/961,227  
Filed: September 20, 2001  
Page 2

PATENT  
Attorney Docket No.: STEM1170-1

No fee is deemed necessary with the filing of this paper. However, the Commissioner is hereby authorized to charge any other fees associated with the filing submitted herewith, or credit any overpayments to Deposit Account No. 50-1355. A duplicate copy of the Transmittal Sheet is enclosed.

Respectfully submitted,

Date: October 31, 2003

  
Kelly K. Reynolds, J.D.  
Reg. No. 51,154  
Telephone: (858) 638-6724  
Facsimile: (858) 677-1465

GRAY CARY WARE & FREIDENRICH LLP  
4365 Executive Drive, Suite 1100  
San Diego, California 92121-2133  
USPTO Customer Number 28213